

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

DAVID DAVIS,

Plaintiff,

v.

PHENIX CITY, ALABAMA, and H.H.
ROBERTS, WALLACE HUNTER, in
their official capacities,

Defendants.

Civil Action No. 3:06-CV-544-WHA

SPECIAL INTERROGATORIES TO THE JURY

Do you find by a preponderance of the evidence:

1. That the Defendants have proved that the Plaintiff's telephone call to Mayor Hardin was a violation of ASOP 12?

 X YES NO

2. That the Defendants have proved that under the policies and practices of Phenix City, a firefighter after exhausting the internal chain of command in the Phenix City Fire Department, could speak without obtaining prior permission to the following:

a. The City Council? X YES NO

b. Mayor Hardin or other City Council members individually?
 X YES NO

c. The media? X YES NO

3. That the Defendants have proved that the telephone conversation between the Plaintiff and Mayor Hardin concerning the proposed ordinance to extend the probationary period for new firefighters disrupted or impeded the operations of the Phenix City Fire Department, or had a reasonable likelihood of disrupting or impeding the operations of the Phenix City Fire Department?

 X YES NO

Note: if you answered Yes to questions 1, 2 a, b, and c, and 3, you need not answer question 4. The foreperson should sign and date the form. Otherwise, go to question 4.

4. That the Plaintiff has proved that he suffered damages as a result of the Defendants' action in discharging the Plaintiff from his employment with the Phenix City Fire Department?

_____ YES


_____ NO

5. If you answered Yes to question 4, in what amount?

Net losses of wages and benefits \$ _____

Emotional pain and mental anguish \$ _____

SO SAY WE ALL.


FOREPERSON

March 6, 2008
DATE